| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK |   |                    |
|--|---|--------------------|
| IN RE ELECTRONIC BOOKS ANTITRUST LITIGATION                | X : : : : : : : : : : : : : : : : : : : | 11-md-02293 (DLC)  |
|  |   |                    |
| THE STATE OF TEXAS, THE STATE OF CONNECTICUT, et al.,      | :<br>:<br>:                             |                    |
| Plaintiffs,<br>v.  | ;<br>;<br>;                             | 12 Civ. 3394 (DLC) |
| PENGUIN GROUP (USA) INC., et al.,                          | :                                       |                    |
| Defendants.  | ·<br>·<br>·<br>·                        |                    |
|  | A                                       |                    |

## **NOTICE OF MOTION TO STAY PENDING APPEAL**

PLEASE TAKE NOTICE that upon the accompanying Defendant Apple Inc.'s Memorandum of Law in Support of the Motion to Stay Pending Appeal, any prior submissions and proceedings in this matter, and any other submissions as shall be made in support of this motion, Defendant Apple, Inc. by and through undersigned counsel, will move this Court before the Honorable Denise L. Cote, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order granting its motion to stay these proceedings pending appeal, stay dissemination of class notice, and order

an administrative stay of class notice pending the Court's ruling on Apple's motion.

Dated: New York, New York

April 4, 2014

Respectfully submitted,

By:

s/ Theodore J. Boutrous

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On behalf of Defendant Apple Inc.